United Nations A/C.3/52/SR.27

Fifty-second session

Official Records

Distr.: General
24 November 1997

Original: English

Third Committee

Summary record of the 27th meeting
Held at Headquarters, New York, on Thursday, 6 November 1997, at 10 a.m.

Chairman: Mr. Busacca ..... (Italy)

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* Items which the Committee has decided to consider together.

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The meeting was called to order at 10.15 a.m.

Agenda item 110: Elimination of racism and racial discrimination (A/52/3, A/52/18, A/52/116-S/1997/317, A/52/187, A/52/254-S/1997/567, A/52/301-S/1997/668, A/52/432, A/52/447-S/1997/775, A/52/463, 471 and 528)

Agenda item 111: Right of peoples to self-determination (A/52/139, A/52/286-S/1997/647, A/52/413, A/52/447-S/1997/775, A/52/485 and 495)

1. Mr. Bernales-Ballesteros (Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries), introducing his report (A/52/495), said he would have liked to be able to state that the activities of mercenaries worldwide were tending to disappear. He had to report, however, that those activities were taking place with increasing freedom, hiding behind the facade of private enterprises selling "security" services on the international market, and thereby interfering with the sovereignty of States, political freedoms, the use of natural resources and economic activities. The phenomenon could arise anywhere. The information he had received showed that there had been situations on every continent where the mercenary factor had led to the commission of crimes and the worsening of internal conflicts. However, Africa was the continent worst affected by the presence of mercenaries.

2. He drew attention to paragraph 21 of the report, which listed a number of major factors which encouraged the presence of mercenaries in Africa. Those included political instability, the existence of many internal armed conflicts, the insecurity of rulers, poverty, and the lucrative nature of the business for organizations which hired and supplied mercenaries and for arms dealers. The gradual disappearance of the traditional mercenary, the misfit professional soldier who acted on his own initiative to form a gang to do dirty work on behalf of a third party, had not meant the elimination of mercenarism; the latter had become more sophisticated and was being channelled back through the facade of modern management and service companies.

3. Paragraphs 24 to 32 of the report dealt with the case of Sierra Leone. Executive Outcomes, a private security firm which worked with mercenaries and provided various services, had been involved in recent events in that country. Sierra Leone was rich in bauxite and diamonds, and it had been reported that Executive Outcomes had been negotiating with certain traditional enterprises operating in that country in order to obtain security contracts.

4. In the final analysis, the right to life, the political and legal institutions of States, security, peace, and maintenance of the rule of law and democracy were not matters to be turned over to private companies which claimed to perform security services; such companies stood to gain by selling their competence as security agents but they certainly could not replace bodies which had been entrusted with the responsibility of protecting life and maintaining security as an obligation vested in the State.

5. Paragraphs 33 to 36 of the report dealt with the involvement of mercenaries in recent events in the Democratic Republic of the Congo. His office was also currently investigating reports that mercenaries, allegedly of Russian nationality, had been taken prisoner in the Congo.

6. Paragraphs 37 to 54 of the report contained a considerable amount of information regarding the persistence and evolution of mercenary activities, and paragraphs 55 to 84 described the growing role of private security firms in the mercenary problem.

7. Responsibility for internal order and security in a sovereign country was an obligation which could not be renounced or transferred and which the State discharged through its police and armed forces. If it handed over such authority to a private company, and a foreign private company at that, it was agreeing to a limitation of State sovereignty, with the further drawback that the substantive legal rights of its inhabitants might be impaired and basic human rights principles and norms of humanitarian law might be violated.

8. The business of those companies consisted in offering skilled military training, protection and internal-security services internationally in return for large amounts of money and profits from the development of the natural resources of the place where the services were provided. Weak countries might, because of their institutional problems, be tempted to become clients of those powerful companies, and thereby pave the way for the multinational neocolonialism of the twenty-first century.

9. Since the written report had been finished, he had received information from the Government of Cuba regarding bombings that had occurred in Havana; those attacks were reported to have been carried out by a Salvadoran national, who was alleged to have been paid US$ 4,500 for each bombing. The Cuban Government had stated that the attacks were financed by an organization based in Miami, Florida.

10. In the interest of protecting peace and ensuring respect for self-determination, he hoped that the General Assembly would decide that the problem of mercenaries should be further investigated. The principle of peaceful coexistence

should be reaffirmed, in order to promote the universality and effective enjoyment of human rights.

11. Mr. Glèlè-Ahanhanzo (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), introducing his report (A/52/471), recalled that, at the fifty-first session of the General Assembly, he had highlighted a number of worrying developments, including the intensification of ethnic conflicts, the forced repatriation of African immigrants by certain European countries, the upsurge of discrimination and violence against foreigners, and the growing use of the Internet to disseminate racist propaganda. His current report showed that those trends had persisted.

12. The issues of immigration and development were closely interrelated. With the arrival of globalization, the poorest countries had become more marginalized than ever, and, paradoxically, while the principle of the free movement of goods and capital was now firmly entrenched, persons wishing to emigrate, particularly from the South to the North, did not enjoy similar freedom. Indeed, legislation adopted recently in many countries of the North contained specific provisions restricting the entry of foreigners, especially from the countries of the South. Immigrants who overcame those legislative and institutional hurdles often faced intolerance and even violence. While certain Governments had established legal safeguards to combat those phenomena, they were unable to stem the current tide of racism.

13. Measures had been taken by a number of countries to control the use of the Internet and prevent abuses, but he remained convinced of the need for an effective international mechanism. The right to freedom of speech and expression must, however, be taken into account.

14. He requested that the General Assembly should call upon Member States to assist him in the execution of his mandate by responding promptly to requests for information, particularly with regard to communications which directly concerned them; and hoped that it would view favourably his call for the convening of a world conference to combat racism, racial discrimination, xenophobia and related intolerance.

15. Ms. Quisumbing (Office of the High Commissioner for Human Rights, New York), speaking on agenda item 110, drew attention to the Secretary-General's report on the implementation of the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, 1993-2003 (A/52/528), submitted in pursuance of General Assembly resolution 51/81. She noted that the Commission on Human Rights had recommended the convening of a world conference on racism, racial discrimination, xenophobia and related intolerance, a recommendation endorsed by the Economic and Social Council at its substantive session of 1997.

16. The status of contributions to the Trust Fund for the Programme of Action was outlined in the annex to the Secretary-General's report. She recalled that, in view of the low level of contributions, the Commission on Human Rights had invited the General Assembly to consider other means of financing the Programme of Action.

17. She would also like to highlight the activities carried out by the United Nations High Commissioner for Human Rights in accordance with the Programme of Action, which included the organization of seminars in September 1996 and May 1997 on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and on the links between immigration, racism and racial discrimination, respectively. A third seminar would shortly be held on the role of the Internet with regard to the provisions of the Convention.

18. Turning to agenda item 111, and drawing attention to the Secretary-General's report (A/52/485), she noted that the Commission on Human Rights, at its latest session, had adopted resolutions concerning the situation in occupied Palestine, the question of Western Sahara and the Middle East peace process.

19. Ms. Schosseler (Luxembourg), speaking on behalf of the European Union and the associate countries of Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, said that racism and racial discrimination continued to exist in many parts of the world, despite the efforts of the international community to eradicate them. She therefore urged all countries that had not already done so to ratify or accede to the International Convention on the Elimination of All Forms of Racial Discrimination. It was also important that bodies such as the Committee on the Elimination of Racial Discrimination should be able to monitor compliance with commitments entered into under international human rights instruments. The European Union wished to reiterate in that connection its support for the work of the Special Rapporteur on racism, racial discrimination, xenophobia and related intolerance.

20. At the latest session of the Commission on Human Rights, the European Union had joined the consensus in favour of the holding of a world conference to combat racism, although it considered that another format would have been equally acceptable. It was important that there should be adequate preparation for the world conference, particularly at the national and regional levels. The United Nations High

Commissioner for Human Rights could play a key role in coordinating the preparations. The conference should adopt a practical approach in addressing the problems of racism and xenophobia.

21. It was incumbent upon every Government to take a firm stand against any manifestation of racism or xenophobia in its territory. All States must heed the warning of the Secretary-General in his report on the work of the Organization (A/52/1, para. 18) against identity politics, which could lead to the vilification of "the other". Human rights education was essential in that regard, since racism and xenophobia were born of fear. The police and the judicial system should be central to efforts to combat those phenomena.

22. The European Union was committed to combating racism and racial discrimination in all their forms. The States members of the Union had launched a large number of projects at the national level, in addition to various Union-wide initiatives. The year 1997 had been designated European Year against Racism. It was intended to draw attention to the danger that racism represented for economic and social cohesion. Another major achievement had been the setting up of the European monitoring centre on racism and xenophobia, which would provide support to member States in their campaigns against those scourges. All such initiatives were carried out in close cooperation with civil society, including non-governmental organizations and victims of racism.

23. Turning to agenda item 111, she said that the European Union recognized unequivocally the right of all peoples freely to determine their political status. The holding of regular free and fair elections by secret ballot and universal suffrage was a prerequisite for the realization of that right. The European Union therefore commended United Nations efforts to provide assistance to Member States in organizing elections; and it welcomed the recent strengthening of democratic principles in many countries which had scarcely known freely elected government.

24. Mr. Wissa (Egypt) said that States Members of the United Nations had repeatedly stressed that the right to self-determination was a fundamental human right. The right of the Palestinian people to self-determination had been an issue ever since the United Nations had been established. The United Nations had left its stamp on developments in the Arab-Israeli struggle, and had adopted many landmark resolutions on the issue of Palestine. Those resolutions, which represented the most important basis for a comprehensive, just and lasting settlement in the Middle East, recognized the inalienable right of the Palestinian people to self-determination.

25. The peace process in the Middle East was based on the principles of land for peace and respect for the rights of the parties to the conflict, pursuant to Security Council resolutions 242 (1967) and 338 (1973). The Oslo Accords had recognized that the Palestinian people had legitimate national and political rights, including the right to self-determination.

26. Egypt was making every effort to achieve peace in the Middle East, and to make a just and comprehensive peace a strategic goal. Such a peace could be realized only by instituting a system that would guarantee the rights of all parties and Israeli withdrawal from all occupied land.

27. Egypt would continue to promote its concept of a just and comprehensive peace in the region and would resist any attempts to subvert that goal. The aspirations of all the peoples in the region to live in peace, cooperation and stability, must be met.

28. As it had done during the three previous sessions of the General Assembly, the Egyptian delegation would sponsor a draft resolution concerning the right of the Palestinian people to self-determination, and hoped for wide support from Member States.

29. His delegation welcomed the report of the Special Rapporteur on the use of mercenaries (A/52/495), and reiterated its condemnation of mercenary activity, which constituted a violation of the principles of the Charter and of the right of peoples to self-determination. His delegation called upon the international community to take concerted and determined action against that phenomenon.

30. Mr. Van-Dunem "Mbinda" (Angola), speaking on behalf of the 14 States members of the Southern African Development Community (SADC), said that years of efforts and the expenditure of significant resources had resulted in considerable progress previously deemed unthinkable. Many countries had adopted constitutional and legislative reforms to combat racism and protect its victims, and the number of States which had ratified the International Convention on the Elimination of All Forms of Racial Discrimination had increased dramatically. New international mechanisms had been established to protect ethnic minorities. Those achievements were milestones towards the fundamental goal of eliminating racism, but they were only a small part of the overall solution. The States members of SADC considered that much remained to be done before the goals set forth in the Convention could be attained.

31. The SADC countries were deeply disturbed by the situation of national ethnic minorities in some countries.

Despite pledges by Governments to promote the rights of those minorities, very little progress, if any, was being made. Minorities were still unrepresented or under-represented in the power structures of most of those countries.

32. Southern Africa was in a peculiar situation in relation to minorities, due to its history of colonialism; minorities tended to be the propertied classes and controlled the economy, resulting in the economic exclusion of the majority. All efforts were being undertaken to correct that imbalance.

33. The report of the Special Rapporteur on contemporary forms of racism (A/52/471) contained evidence that foreign minorities, particularly migrant workers and members of their families, continued to be the main targets of discrimination, and were used as scapegoats by some Governments. Unless effective measures were taken to promote integration, many immigrants and migrant workers would remain marginalized, becoming a burden to societies rather than contributing to their economic and social development. SADC supported the continuation of the mandate of the Special Rapporteur and the allocation of the necessary funds for the fulfilment of that mandate.

34. The members of SADC were gravely concerned at the spread of racist propaganda, particularly via the Internet, and the nature and extent of such propaganda prompted SADC to appeal to Governments to reinforce existing measures against racist organizations and to severely punish incitement to racial hatred and violence. Freedom of speech and association came with responsibilities and obligations. SADC welcomed the restrictions imposed by some Governments on the free speech of such racist organizations, and would welcome similar measures to restrict their freedom of association.

35. SADC fully endorsed the objectives of the Third Decade to Combat Racism and Racial Discrimination, as well as its programme of action. However, those goals would not be achieved if the required funds were lacking. Also, the convening of a world conference on racism would give momentum to international efforts to combat those practices.

36. The SADC countries were appalled at the situation of peoples living under foreign or colonial domination, and reports of arrests of individuals who fought for their self-determination were also of great concern. The time had come for colonial or occupying Powers to comply with the Declaration on the Granting of Independence to Colonial Countries and Peoples.

37. Mr. Valencia (Ecuador) said that his country, which attached particular importance to the work of the Committee on the Elimination of Racial Discrimination, had several years earlier amended its Penal Code in order to bring it into strict conformity with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. Ecuador participated actively in the dialogue with the Committee on its periodic reports and sought to implement the recommendations and other suggestions put forward by the Committee. All States, particularly those with a multiracial or multi-ethnic population, should support the Committee's work in promoting respect for different cultures.

38. As a member of the Committee on the Elimination of Racial Discrimination, he expressed its appreciation for the support of the Third Committee and the General Assembly for its important work in combating racism. The Committee on the Elimination of Racial Discrimination wished to strengthen the mechanisms for communicating with the General Assembly, particularly in order to explain its main tasks and the ways in which it could be assisted in carrying out its functions.

39. Although 80 per cent of the States Members of the United Nations were parties to the Convention, the Committee continued to stress the need for universal acceptance of that instrument, since the struggle against racial discrimination was a priority for all mankind. The Committee on the Elimination of Racial Discrimination had begun the process of reviewing the implementation of the Convention by States parties whose initial reports were five or more years late in order to ensure that they were complying with their obligations. In addition, some States parties failed to submit their periodic reports on time and more appropriate measures must be taken to remedy that shortcoming.

40. In order to facilitate its dialogue with the representatives of States parties, the Committee underscored the need to hold some of its sessions in New York, which was in accordance with article 10 of the Convention. The Committee requested the General Assembly to reiterate that States parties which had not yet done so should ratify the amendments to article 8 of the Convention on the financing of the Committee. To date, only 23 States parties had accepted those amendments, and a two-thirds majority was required for them to enter into force. Lastly, the Committee remained concerned about the tendency of the representatives of some States, organizations and groups to put pressure on its members, particularly those who were country rapporteurs. That practice even included the submission of claims or complaints to the Governments of the countries of which the experts were nationals. In that regard, he stressed that the members of the Committee functioned as impartial, independent experts and that their status should be respected unconditionally.

41. Mr. Ferrer Rodríguez (Cuba) expressed his delegation's concern that some items of the work of the Centre for Human Rights apparently had been relegated to secondary importance, as reflected by the status of the documentation submitted by the Centre to the Committee. The late issuance of the reports on the Third Decade to Combat Racism and Racial Discrimination and on mercenaries, had delayed discussion of agenda items 110 and 111, while documentation on the human rights situations in certain countries had been circulated well in advance of their consideration by the Committee.

42. The end of the apartheid regime had not meant the disappearance of racial discrimination and xenophobia. Those scourges had arisen in new and more sophisticated forms, and thus more urgently required the Committee's attention and the decisive action of the international community.

43. Discrimination against immigrants, racial discrimination and massive violations of the human rights of vast sectors of the population had in some countries been institutionalized in the form of discriminatory legislation depriving legally-resident immigrants and their children of access to basic health and educational services. Such laws ignored their contribution, through taxes, to the material wealth of those countries.

44. While many had welcomed the fall of the Berlin Wall, the international community had little to celebrate in the erection in the United States of America of new and improved walls to shut out immigration from the south. The United States was indeed a good example of the scourges under the Committee's consideration. White men were represented in management and government out of all proportion to their numbers in the population, while minorities, which constituted 20 per cent of the population, accounted for 59 per cent of all executions. Campaigns against affirmative action were also gaining strength in a number of states.

45. Exclusionary and xenophobic practices were also being institutionalized in various forms in other countries, as reflected in the rise of political parties propounding racial exclusion in Europe, as well as in the unpunished activities of xenophobic groups and the advance of anti-immigrant sentiment to the forefront of electoral politics there.

46. Such problems required immediate follow-up, taking into account the fact that the growth of mass migration was inseparable from the widening development gap between the North and the South. More attention also needed to be given to the proliferation of ideas of racial superiority and hatred via international information networks such as the Internet; the recommendations of the forthcoming seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination (A/52/528, paras. 5 and 6) would be especially valuable. Prohibiting the dissemination of racist ideas constituted a legitimate and necessary restriction on the rights to freedom of opinion, expression and association. It was therefore more urgent than ever that all reservations to article 4 of the Convention, concerning that question, should be withdrawn.

47. Despite the current unfavourable conditions described in his report (A/52/471), the Special Rapporteur on contemporary forms of racism had lacked the human and financial resources needed to carry out his duties. Cuba hoped that the Special Rapporteur would be allocated those resources without delay. The tardy implementation of the Programme of Action for the Third Decade, due to apparent disinterest and lack of resources, was also a matter of concern. Nevertheless, donor countries were making selective contributions in support of human rights in a smaller group of countries.

48. In view of the new and increasingly sophisticated forms of racism and related intolerance, the convening of a world conference on such phenomena not later than 2001 was of the utmost importance.

49. Mr. Spitzer (United States of America) said that citizens of his country, as well as Government, had made progress in a broad range of efforts to eradicate racism in all its forms in their multi-cultural society. Convinced that education was the key to opportunity, the Government had worked to ensure universal access to equal education. Affirmative action programmes had provided educational and employment opportunities to minorities, and fair-housing legislation had done much to guarantee equal access for all to the financing needed to purchase a home. As a result, there was a large African-American middle class for the first time in his country's history, and the percentage of minority citizens in positions of leadership continued to rise. Positive change with regard to race, while slow, had long since become the norm.

50. However, the United States was committed to building on those successes and trends. The President had launched an initiative to examine the current state of race relations in the United States and to look at the laws and policies that could foster a united society; his report to the people in the summer of 1998 would contain an assessment of the growing diversity of the United States as well as recommendations on additional steps to continue the fight against racism in the country.

51. While wholeheartedly supporting the fight against racism, the United States Government continued to have

reservations regarding the call for a world conference on racism. Racism in all its forms was a matter of vital international concern, worthy of the attention of all Governments at the highest levels. It was, however, an example of precisely the kind of theme that could be considered by the General Assembly, in a special session or otherwise, as a means to enhance that body's standing as a global deliberative forum for issues of major concern.

52. Ms. Cornette (Guyana), speaking on behalf of the members of the Caribbean Community (CARICOM), said that the persistence of racism had undermined the very foundation of the United Nations. CARICOM delegations appreciated the accomplishments of the international community and the United Nations in advocating tolerance and respect for basic human rights, but were of the view that much more remained to be done.

53. The rights of immigrants, migrant workers, refugees and indigenous peoples were being violated in many parts of the world, and some of the most serious violations of human rights were occurring in the context of ethnic conflicts. The United Nations must adopt a coordinated, system-wide approach to establishing early warning measures to improve the capacity of the international community to prevent such conflicts.

54. Progress in fighting racism also depended to a large extent on Governments honouring their obligations under international human rights instruments, and the CARICOM delegations called on those States which had not yet ratified the Convention to do so without delay. They also had been disheartened to learn that a lack of resources had hindered the implementation of activities planned for the Third Decade to Combat Racism and Racial Discrimination. It was important that adequate resources should be provided to the Centre for Human Rights as the focal point for coordinating all programmes for the realization of the Decade, as well as to allow the Special Rapporteur on contemporary forms of racism to carry out his mandate.

55. Maximum use should also be made of the opportunity offered by the United Nations Decade for Human Rights Education (1995-2004) for the development of programmes to eliminate racism. The use of the Internet as a medium for racist and xenophobic propaganda was a matter of concern, and the CARICOM delegations looked forward to the conclusion of the forthcoming Geneva seminar on the role of the Internet in that regard. They viewed as crucial the convening of a world conference on racism, and urged that preparations should be initiated as soon as possible.

56. With regard to tem 111, they reaffirmed their commitment to the right of the Palestinian people to self-determination and called for collective efforts towards a peaceful solution. They also urged all States and the United Nations to continue to collaborate in efforts to bring an end to mercenary activities, which posed a threat to international peace and security.

57. Mr. Neiva-Tavares (Brazil) noted with regret the proliferation of false doctrines of racial superiority as well as xenophobic tendencies, and called for vigorous measures to eliminate the discrimination faced by migrant workers and ethnic minorities, attacks against asylum-seekers and immigrants, and acts of violence and intimidation based on ethnic considerations, which continued to impede full respect for and enjoyment of human rights.

58. For its part, Brazil was unequivocally committed to the eradication of all forms of racism as a precondition for the equal access of all to the benefits of citizenship. Racial discrimination was considered a crime under the Brazilian Constitution. Remaining challenges and problems in that domain were being addressed by a ministerial committee, which was defining and implementing a broad range of public policies as well as taking specific measures to improve the living standards of less-favoured communities.

59. The Third Decade provided a framework for action that must continue to receive the strongest support of the international community. The convening of a world conference on racism would also be an important way to address the issue in a comprehensive manner. Moreover, Brazil believed that the Special Rapporteur on contemporary forms of racism should be provided with the resources necessary to meet his obligations.

60. Brazil was also deeply committed to upholding the right of peoples to self-determination, and supported the struggles of those suffering from colonial domination or foreign occupation. The international community must be aware, however, that misconceptions could arise in that domain, particularly when self-determination was invoked in the context of ethnic conflicts; such misconceptions in some cases had been used to justify a surge in fragmentation and separatism. The right to self-determination should not encourage action leading to the dismemberment or impairment of the territorial integrity or political unity of sovereign and independent States. A truly legitimate and representative political system that fully respected democratic principles and protected the rights of minorities was the best shield against the dangers of separatism.

61. Ms. Hadar (Israel) commended the work of the Special Rapporteur on contemporary forms of racism. Israel, which had always been colour blind and had absorbed peoples from numerous countries and races, had the dubious honour of

being victim of the oldest and most vicious form of racist hatred, namely, anti-Semitism. Thanks to stricter law enforcement and measures to combat racism and hate crimes, there had been some decline in violence against Jews.

62. Nevertheless, recent developments seemed to threaten those achievements. The "Swiss Gold" affair had highlighted both the debt outstanding to Jews and the domestic question of collaboration with the Nazi regime. In Switzerland, anti-Semitism, long dormant, was now openly being expressed in a variety of ways at both the individual and the official level. In Eastern Europe and the former Soviet Union, the public was opposed to returning Jewish assets because of greed, but the leadership's reaction had been more restrained.

63. A number of extreme right-wing parties in Europe had recently made alarming electoral gains in Austria, France and Belgium, and in Germany the downhill trend of the Republican Party seemed to have stopped. Those parties defined the "question of foreigners" as one of the main domestic problems, blaming them for severe unemployment, rising crime rates, and epidemics, especially AIDS.

64. The resort to anti-Semitic themes had increased in the past year in the Arab media and at public and political meetings, ranging from absurd accusations that Israel and the Jews were spreading AIDS to charges that they were part of a conspiracy to dominate the Middle East and the Muslim world at large. She noted that the Internet had become the main means for disseminating racist propaganda.

65. Ms. Fritsche (Liechtenstein), speaking on item 111, said that her country strongly believed that much could still be done to make the principle of self-determination more effective in the day-to-day life of the international community. Around the world, there were many communities that felt that their distinctive identity and qualities were insufficiently acknowledged. For various reasons, however, independence was often both an unrealistic and unrealizable option, especially for smaller communities. Self-administration, therefore, might in some cases offer appropriate recognition of a community's distinctiveness without giving rise to the strains and conflicts resulting from independence movements.

66. Liechtenstein's proposals were aimed at establishing an effective framework for developing self-administration as a means of preventing conflict. Her country advocated self-administration within the structure of the State based on flexible arrangement chosen by the State and the community concerned in accordance with their own particular circumstances. In her country's view, a community would be eligible for self-administration if the group had distinctive characteristics, clear territorial provenance and some degree of organization. The distinctive characteristics of a community could include unique cultural, social or religious affiliations and the fact of constituting a majority within the territory.

67. The Liechtenstein Research Program on Self-Determination at Princeton University had organized a number of conferences on the question of self-determination, two of which were described in document A/50/492. The Program was a long-term endeavour aimed at developing practical mechanisms to enable States to gain further benefits from that principle.

68. Mr. Xie Bohua (China) said that the United Nations should continue to give priority attention to all forms of racism and conduct a comprehensive study of its contemporary forms in order to recommend effective measures to deal with them. The activities carried out under the Third Decade should be strengthened, and active support should be given to the work of the relevant United Nations mechanisms, including the Committee on the Elimination of Racial Discrimination. Countries should be urged to do away with new forms of racial discrimination and ensure equality and respect for human rights. His delegation supported the proposal to convene a world conference against racism put forward by many countries with a view to the speedy and comprehensive elimination of all forms of racism and racial discrimination.

69. The right to self-determination was the right to maintain national independence, sovereignty and territorial integrity. The domination of weak countries by strong ones and interference in another country's internal affairs were in flagrant violation of the Charter and the principle of self-determination. That principle should not be used as a pretext for addressing ethnic questions within a State or as an excuse to encourage activities aimed at dividing a country or violating its territorial integrity, sovereignty and independence.

70. The restoration of the legitimate rights of the Palestinian people was the key to ensuring peace and stability in the Middle East. China welcomed the resumption of peace talks between Palestine and Israel and appreciated the efforts by the parties concerned to overcome difficulties. He hoped that they would adhere to the relevant United Nations resolutions and the agreements reached during the peace process, observe the principle of land for peace, and negotiate in a practical and flexible spirit so that the peace process would continue to make progress.

71. Mr. Zozulya (Ukraine) said that the exchange of information on measures undertaken at the local, national and international levels to combat racism, xenophobia and anti-Semitism was of great importance. The idea of establishing

early warning procedures to enhance the capacity of the United Nations to prevent conflicts resulting from racial and ethnic tensions deserved careful consideration. Particular efforts should be made to combat new forms of discrimination, and a crucial role in that regard could be played by the Commission on Human Rights. The primary responsibility for eliminating racial discrimination, however, lay with national Governments.

72. Ukraine had always condemned all forms of racial discrimination and did not have any serious cases of hostility or violence resulting from ethnic or racial intolerance. His country attached special importance to the rights of national minorities and had created a legal basis to protect their rights and establish true equality of nationalities.

73. Ukraine recognized the inalienable right of peoples to self-determination in accordance with the fundamental principles of international law, particularly the Charter of the United Nations and the Helsinki Final Act. A distinction should be made between the right to self-determination for peoples whose status was the result of colonial rule or occupation by foreign Powers and the right to self-determination for national minorities that lived in the territory of modern States as a result of natural historical processes.

74. The principle of self-determination did not automatically imply the right to secession, and it was necessary to distinguish between the right to secession and separatism. The right to self-determination should be exercised with strict adherence to the principles of democracy and protection of human rights, recognition of the inviolability of State borders, and the peaceful settlement of disputes. There was a need to redefine the concept of the right to self-determination, taking into account the view that the era of empires and colonial oppression was over and that sovereign States had demonstrated their determination to abide by international law and to respect human rights. There was an evident need for a universal approach to the understanding of the principle of self-determination which would ensure a fair and flexible solution of possible conflicts of interest and prevent confrontation in inter-ethnic and inter-State relations.

75. Mr. Hassouna (League of Arab States) said that the exercise of the inalienable rights of the Palestinian people, including the right to self-determination, had been an issue of great concern over the years to both the United Nations and the League of Arab States. The self-determination of peoples was one of the basic principles of the Charter of the United Nations, and the Organization had adopted numerous resolutions affirming self-determination as a right of peoples living under foreign occupation or subject to alien subjugation.

76. One of the most important of those resolutions was the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, which stressed that the principle of equal rights and self-determination of peoples constituted a significant contribution to contemporary international law, and that subjection of peoples to alien subjugation, domination and exploitation constituted a violation of that principle. The right of all peoples to self-determination had also been stressed in numerous other General Assembly resolutions and international instruments.

77. The United Nations had, since its founding, been concerned to establish the right of the Palestinian people to self-determination, and had adopted a number of principles relating to that issue.

78. They included the following: that recognition by the 1947 partition resolution of an Arab State included recognition of the Palestinian people's right to self-determination; that the right of Palestinian refugees to return to their homes, pursuant to United Nations resolutions, was an integral part of their right to self-determination; that the United Nations should condemn Governments which denied the right of peoples particularly the Palestinian people, to self-determination; that respect for the inalienable rights of the Palestinian people, including the right to self-determination, was essential to the establishment of a just and lasting peace in the Middle East; that the right of the Palestinian people to self-determination, free of foreign interference, and its right to independence and national sovereignty were interlinked rights included among the inalienable rights of the Palestinian people; that, in accordance with the fourth Geneva Convention, which applied to all occupied Arab land, the right of the Palestinian people to self-determination was not affected by the illegal activities undertaken by the occupying Power in the occupied territories.

79. The issue of the exercise of the inalienable rights of the Palestinian people, including the right to self-determination, had been a principal focus of the work of the League of Arab States since it had been established in 1945. Both the Alexandria Protocol and the Pact of the League contained special provisions affirming the Arab identity of Palestine and the right of the Arabs of Palestine to independence.

80. As a result of recent developments with regard to Palestine, including the conclusion of the Palestinian-Israeli accords, the Palestinian people were in a position to realize

their legitimate national rights. If the peace process was to be continued and a just and comprehensive peace achieved, Israel would have to withdraw from all occupied Palestinian land, including Arab Jerusalem, and permit the Palestinian people to exercise its right to self-determination and establish an independent State.

81. He wished to remind the Government of Israel, which habitually opposed any draft resolution affirming the right of the Palestinian people to self-determination, of the words of David Ben Gurion, who had stated that the Arabs in Palestine had the right to self-determination, and that that right was not limited and could not be qualified by Israel's own interests.

82. Mr. Diseko (South Africa), speaking on agenda item 110, said that, while his Government had always supported the work of the thematic rapporteurs, whom it viewed as pillars of the United Nations human rights machinery, it was deeply concerned at the comments in paragraph 12 of the Special Rapporteur's report on contemporary forms of racism (A/52/471). Those comments did not accurately reflect either the current situation in South Africa or the circumstances surrounding the postponement of the Special Rapporteur's visit, which had been due to the unavailability of certain key actors, as was clearly stated in his Government's most recent letter to the Special Rapporteur. There was no reference to that communication, however, or to the positive exchange with the South African Government, in the report.

83. Had the Special Rapporteur visited South Africa, he would have observed that the Government was committed to the elimination of racial discrimination and intolerance and had enacted a number of laws to that end. It had also naturalized a large number of illegal immigrants.

The meeting rose at 12.55 p.m.